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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/698,148 | 10/31/2003 | Jonathan Kagan | VALTX.001A | 2819 |
| 20995 7590 11/29/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614 | | | EXAMINER GRAY, PHILLIP A | |
| | | | ART UNIT 3767 | PAPER NUMBER |
| | | | NOTIFICATION DATE 11/29/2007 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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CT

Interview Summary

Application No.

10/698,148

Applicant(s)

KAGAN ET AL.

Examiner

Phillip Gray

Art Unit

3767

All participants (applicant, applicant's representative, PTO personnel):

(1) Phillip Gray.(3) Bryan Wahl.(2) Gerard von Hoffmann.

(4) _____.

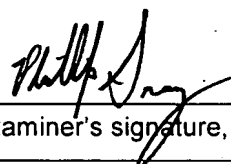
Date of Interview: 14 November 2007.Type: a) ☐ Telephonic b) ☐ Video Conferencec) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 43.Identification of prior art discussed: Bessler (US 2004//0039452) Gannoe et al. (US 2004/0082963) and Adams (US 6113,609).Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

KEVIN C. SIRMONS
SUPERVISORY PATENT EXAMINERExaminer Note: You must sign this form unless it is an
Attachment to a signed Office action.
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's attorneys kindly discussed the general nature of the invention "APPARATUS AND METHODS FOR TREATMENT OF MORBID OBESITY" and what they feel are their novel improvements over the prior art thereof. Further applicant's attorneys discussed the claims and their scope as presently written. Specifically the language and claim limitations concerning the anchor and proximal attachment site; and how the applicant feels his inventions are novel or unique over the prior art of record. Examiner explained how, when given the broadest reasonable interpretation of the claim language, Bessler, Gannoe and Adams, and any obvious modifications of the prior art, anticipated the claims as written. Examiner appreciated applicant's explanation and argument about how the "APPARATUS AND METHODS FOR TREATMENT OF MORBID OBESITY" inventions were different from the prior art, but this argument as to overcoming the rejection and the prior art of record, with the claims as written, is not compelling. It is examiners position that Bessler Gannoe and Adams does disclose all methods and structural components and these elements satisfy all functional, spatial, structural and operational limitations in the claims as written. It was recommended that applicant amend the claims to greater define the aspects of the invention that they consider novel and reasons why this feature is not shown in the prior art and is nonobvious over the prior art of record. Therefore, currently the rejections stand as proper.



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